No. 99-184

FILED
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IN THE

Supreme Court of the United States

BRIAN SULLIVAN,

Petitioner,

v.

SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SECOND CIRCUIT COURT OF APPEALS

MEMORANDUM IN OPPOSITION TO PETITION FOR CERTIORARI

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This case concerns the same statutory framework that compels the result in *Matter of Callahan*, on which a Petition for Certiorari is pending under Docket Number 99-80. The Respondent here is the Respondent there. Respondent's Brief in Opposition in *Callahan* has been filed. In the instant case, just as in *Callahan*, no Supremacy Clause issue is properly framed because no conflict between federal and state statutory directives is found. Both the decision of the Second Circuit here, and the New York State Court of Appeals in *Callahan*, rely on the same straightforward application of the principles of statutory construction.

Because of the identity of issues in these two cases, Respondent files this memorandum in lieu of a brief in opposition. If the Court desires further briefing, Respondent will certainly comply with such a request.

Respondent incorporates by reference its Brief in Opposition in *Matter of Callahan*, (Docket Number 99-80), which fully sets forth the reasons the petition in this case should be denied.

Respectfully submitted,

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